

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

HAROLD JOSEPH KENDALL)	
Individually, and as)	
the Administrator of the)	
ESTATE OF SHANE MIGUEL)	
KENDALL,)	
)	CIVIL ACTION NO.
Plaintiffs,)	1:23-cv-00416-JPB
)	
v.)	
)	
FULTON COUNTY, GEORGIA,)	
NAPCARE, INC.)	
SHERIFF PATRICK LABAT,)	
in his individual capacity and in his)	
official capacity as Sheriff of)	
Fulton County, Georgia,)	
MICHAEL AGYEI, individually and,)	
EDITH NWANKWO, individually,)	
)	
Defendants.)	

**DEFENDANTS' AMENDED MOTION TO DISMISS PURSUANT TO FED.
R. CIV. P. 12(b)(6)**

COME NOW Fulton County, and Sheriff Patrick Labat, by and through undersigned counsel and in their official capacities, and hereby file this Amended Motion to Dismiss Pursuant to Federal Rule of Civil Procedure 12(b)(6). The legal authority supporting this motion is filed contemporaneously herewith.

Respectfully submitted, this 24th day of February, 2023.

**OFFICE OF THE FULTON
COUNTY ATTORNEY**

Y. Soo Jo
Fulton County Attorney

Kaye W. Woodard-Burwell
Deputy County Counsel
Georgia Bar No. 775060

Brad Bowman
Supervising County Counsel
Georgia Bar No. 215007

/s/ Sandy Milord
Sandy Milord
Senior Assistant County Counsel
Georgia Bar No. 622391

**ATTORNEYS FOR FULTON
COUNTY AND SHERIFF
PATRICK LABAT**

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CERTIFICATE OF SERVICE

THIS CERTIFIES that on February 24, 2023, I have presented this document in Times New Roman, 14-point type, and that I have electronically filed the foregoing **DEFENDANTS' AMENDED MOTION TO DISMISS PURSUANT TO FED. R. CIV. P. 12(b)(6)** with the Clerk of Court using the CM/ECF system, which will provide email notification to the following counsel of record:

Rachel Kaufman

Kaufman Law Firm, LLC
133 Nassau Street NW
Atlanta, GA 30303-2035

This 24th day of February, 2023.

/s/ *Sandy Milord*
Sandy Milord
Senior Assistant County Counsel
Georgia Bar No. 622391

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